



General Assembly

January Session, 2011

***Amendment***

LCO No. 8604

**\*HB0649508604HDO\***

Offered by:

REP. MORIN, 28<sup>th</sup> Dist.

To: Subst. House Bill No. 6495

File No. 537

Cal. No. 322

***"AN ACT CONCERNING THE DISPOSITION OF SURPLUS STATE PROPERTY."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 4b-38 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 (a) Subject to the provisions of section 4b-30, the [commissioner]  
6 Commissioner of Administrative Services may lease state-owned land  
7 or buildings, or both, and facilities to (1) municipalities for municipal  
8 use, or (2) private individuals or concerns for private use, when such  
9 land, buildings and facilities are otherwise not used or needed for state  
10 use and such action seems desirable to produce income or is otherwise  
11 in the public interest, provided the Treasurer has determined that such  
12 action will not affect the status of any tax-exempt obligations issued or  
13 to be issued by the state of Connecticut.

14 (b) The commissioner may also lease or license any land or interest

15 therein for the following purposes, provided the Treasurer has  
16 determined that such action will not affect the status of any tax-exempt  
17 obligations issued or to be issued by the state of Connecticut:

18 (1) To enter into leases [of] or licensing agreements concerning  
19 space on major pedestrian access levels and courtyards, [and] rooftops  
20 and other areas of any public building with persons, firms or  
21 organizations engaged in commercial, cultural, educational or  
22 recreational activities. The commissioner shall establish a rental rate or  
23 licensing fee for such leased space equivalent to the prevailing  
24 commercial rate or fee for comparable space devoted to a similar  
25 purpose in the vicinity of the public building. Such leases or licensing  
26 agreements may be negotiated without competitive bids, but shall  
27 contain such terms and conditions and be negotiated pursuant to such  
28 procedures as the commissioner deems necessary to promote  
29 competition and to protect the public interest;

30 (2) To make available, on occasion, or to lease at such rates and on  
31 such other terms and conditions as the commissioner deems to be in  
32 the public interest, auditoriums, meeting rooms, courtyards, rooftops  
33 and lobbies of public buildings to persons, firms or organizations  
34 engaged in cultural, educational or passive recreational activities that  
35 will not disrupt the operation of the building.

36 (c) The commissioner shall deposit all payments received under  
37 leases, licensing agreements or rentals executed pursuant to  
38 subdivisions (1) and (2) of subsection (b) of this section in the General  
39 Fund, and each such payment shall be credited to the appropriation  
40 made from such fund for the operation of such building.

41 (d) The commissioner may furnish utilities, maintenance, repair and  
42 other services to persons, firms or organizations leasing space  
43 pursuant to subdivisions (1) and (2) of subsection (b) of this section.  
44 Such services may be provided during and outside of regular working  
45 hours of state agencies.

46 (e) The commissioner shall, where practicable, give priority in the

47 assignment of space on any major pedestrian access level not leased  
48 under the terms of subdivisions (1) and (2) of subsection (b) of this  
49 section, in such buildings, to state activities requiring regular contact  
50 with members of the public, including colocation requirements for  
51 human services agencies under section 4b-31. To the extent such space  
52 is unavailable, the commissioner shall provide space with maximum  
53 ease of access to building entrances.

54 (f) [Not] Except as provided in subsection (g) of this section, not less  
55 than two weeks before executing a lease [of] or license agreement  
56 concerning land, a building or facility or an interest in land under  
57 subsection (a) or (b) of this section, with a person, firm or corporation  
58 in the private sector, for a term of six months or more, the  
59 commissioner shall notify in writing the chief executive officer of the  
60 municipality in which the land, building, facility or interest is located  
61 concerning the proposed lease or licensing agreement and the manner  
62 in which the lessee or licensee proposes to use the land, building,  
63 facility or interest. Upon executing any such lease or licensing  
64 agreement, the commissioner shall forward a copy to the assessor or  
65 board of assessors of the municipality in which the leased or licensed  
66 property is located.

67 (g) If the licensing agreement entered into in accordance with  
68 subsection (b) of this section grants the licensee only the right to access  
69 state-owned property (1) to perform a study or investigation of such  
70 property or any structures located on such property, or (2) to perform  
71 work on such property or structures, the commissioner shall not be  
72 required to notify the municipality of such agreement as required  
73 under subsection (f) of this section.

74 [(g)] (h) Notwithstanding the provisions of this section, the board of  
75 trustees of a constituent unit of the state system of higher education  
76 may lease land or buildings, or both, and facilities under the control  
77 and supervision of such board when such land, buildings or facilities  
78 are otherwise not used or needed for use by the constituent unit and  
79 such action seems desirable to produce income or is otherwise in the

80 public interest, provided the Treasurer has determined that such action  
81 will not affect the status of any tax-exempt obligations issued or to be  
82 issued by the state of Connecticut. Upon executing any such lease, said  
83 board shall forward a copy to the assessor or board of assessors of the  
84 municipality in which the leased property is located. The proceeds  
85 from any lease or rental agreement pursuant to this subsection shall be  
86 retained by the constituent unit. Any land so leased for private use and  
87 the buildings and appurtenances thereon shall be subject to local  
88 assessment and taxation annually in the name of the lessee, assignee or  
89 sublessee, whichever has immediate right to occupancy of such land or  
90 building, by the town wherein situated as of the assessment day of  
91 such town next following the date of leasing. Such land and the  
92 buildings and appurtenances thereon shall not be included as property  
93 of the constituent unit for the purpose of computing a grant in lieu of  
94 taxes pursuant to section 12-19a provided, if such property is leased to  
95 an organization which, if the property were owned by or held in trust  
96 for such organization would not be liable for taxes with respect to such  
97 property under section 12-81, such organization shall be entitled to  
98 exemption from property taxes as the lessee under such lease, and the  
99 portion of such property exempted and leased to such organization  
100 shall be eligible for a grant in lieu of taxes pursuant to [said] section 12-  
101 19a.

102 Sec. 2. Subsection (c) of section 4b-91 of the general statutes is  
103 repealed and the following is substituted in lieu thereof (*Effective*  
104 *October 1, 2011*):

105 (c) No person may bid on a contract or perform work pursuant to a  
106 contract that is subject to the provisions of subsection (a) of this section  
107 unless the person is prequalified in accordance with section 4a-100,  
108 except the awarding authority may permit a person who was  
109 prequalified under section 4a-100 when awarded the contract or  
110 subcontract but whose prequalification certificate was subsequently  
111 revoked, denied or not renewed during the course of such person's  
112 performance of the contract or subcontract, to continue to perform  
113 such contract or subcontract upon a written determination by the

114 awarding authority that such continuance is in the best interest of the  
 115 state or municipality and that there is good cause for such continuance.  
 116 Such written determination shall be included in the report provided in  
 117 accordance with section 4b-101a.

118 Sec. 3. Subsection (b) of section 4b-100 of the general statutes is  
 119 repealed and the following is substituted in lieu thereof (*Effective*  
 120 *October 1, 2011*):

121 (b) The Commissioner of [Public Works] Construction Services shall  
 122 adopt regulations, in accordance with the provisions of chapter 54,  
 123 establishing a procedure for promptly hearing and ruling on claims  
 124 alleging a violation or violations of sections 4b-91 to 4b-100, inclusive,  
 125 as amended by this act. Such claims may be initiated by the  
 126 Department of [Public Works] Construction Services or any [party]  
 127 general bidder whose financial interests may be affected by the  
 128 decision on such a claim."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	4b-38
Sec. 2	<i>October 1, 2011</i>	4b-91(c)
Sec. 3	<i>October 1, 2011</i>	4b-100(b)